

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ANTHONY P. HEARD, JR,

Plaintiff,

v.

PETER HUIBREGTSE, CO II SCULLION,  
MOLLI ROLLI, RUBIN-ASCH  
and DR. HOEM,

Defendants.  
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ORDER

09-cv-96-bbc

In an order entered in this case on June 5, 2009, I granted plaintiff's request for leave to proceed in forma pauperis on his claims against defendants for alleged violations of his Eighth Amendment rights. Although defendants have not yet filed an answer to the complaint, plaintiff has written to ask the court for permission to obtain copies of his medical records so that he can file them with the court. Dkt. #18. In a second letter, he has written to request a copy of the Federal Rules of Civil Procedure. Dkt. #19. I will construe plaintiff's letters as motions for copies of his medical records and the Federal Rules of Civil Procedure.

In his first motion, plaintiff asks for the court's permission to obtain copies of medical evaluations, observation sheets and files from his clinical chart so that he can file them with the court. It is not appropriate for plaintiff to submit evidentiary materials outside of trial

unless the materials are related to a pending motion, such as a motion for summary judgment. There are no pending motions for which submission of evidence is proper and trial has not yet been scheduled in this case. Therefore, because it is too early for plaintiff to submit evidence in this case, his motion will be denied.

With respect to plaintiff's second motion, this court does not have copies of the Federal Rules of Civil Procedure available for distribution. The rules should be available to plaintiff in the prison library in a book titled "Federal Civil Judicial Procedure and Rules." An alternative is for plaintiff to purchase a copy of the rules by writing directly to West Group, 620 Opperman Dr., Eagan, MN, 55123. Even if plaintiff is unable to obtain his own copy of the rules, the magistrate judge will provide him with detailed instruction on the Federal Rules of Civil Procedure that govern this lawsuit at a preliminary pretrial conference which will be scheduled as soon as defendants file a responsive pleading.

ORDER

IT IS ORDERED that plaintiff's motions for permission to obtain copies of his medical records, dkt. #18, and for a copy of the Federal Rules of Civil Procedure, dkt. #19, are DENIED.

Entered this 15<sup>th</sup> day of June, 2009.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge